

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DOLORES CEPEDA,
Plaintiff,

v.

CA 19-05 WES

Fay Servicing, LLC,
et al.,
Defendants.

STANDARD PRETRIAL ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure,
it is ordered that:

All factual discovery will be completed on or before
7/8/19.

Dispositive motions¹ shall be filed by 8/5/19.

Counsel shall file electronically, 30 days after a decision
on any dispositive motion, or, if no dispositive motions are
filed, by 8/5/19 a pretrial memorandum which shall contain the
following information:

- 1.(a) Plaintiff will set forth what is expected to be
proven in support of the claim;

¹ In matters before Judge Smith, prior to filing a motion
for summary judgment, counsel must request a conference with the
Court.

- 1.(b) Defendant will set forth what is expected to be proven in defense;
2. A memorandum of supporting law with citations of authorities. This is to include all the law applicable to the case with emphasis on special legal issues, including any and all matters that may be the subject of a motion in limine. All pertinent citations will be fully briefed;
3. A statement as to probable length of trial;
4. Any additional matter which counsel feel will aid the Court in the disposition and/or trial of the action.

At least **fourteen (14) days** before jury selection or, in the case of a matter to be tried without a jury, **fourteen (14) days** before trial is to begin, counsel shall submit to the Court in **conventional form (paper)** the following:

1. A list of all witnesses expected to testify with a brief summary of each witness's testimony and a statement as to whether that witness will testify as an expert;
2. A list of all exhibits intended to be offered at the trial with statements of the purpose for which the exhibit is offered. All such exhibits are to be pre-marked by the plaintiff in numerical order and by the defendant in alphabetical order;

In addition, in matters to be tried before a jury, counsel shall also file **electronically** full and complete proposed jury instructions and a jury verdict form (with special interrogatories, if any are being requested) at least **fourteen (14) days** before jury selection.

Failure to strictly comply with this order will result in appropriate sanctions which may include dismissal, default, or

exclusion of evidence.

After fourteen (14) days from the close of discovery, no motions - other than motions in limine - shall be filed except by leave of the undersigned.

No discovery motions shall be filed until after the party in good faith tries to resolve the matter with opposing counsel. If that does not resolve the dispute, the party must first have an informal conference with the Court, which can be arranged by contacting the judge's Case Manager via email or telephone (Ryan Jackson, ryan_jackson@rid.uscourts.gov or 401-752-7213).

Every effort should be made to settle the case before jurors are summoned for empanelment. **Counsel are to advise the clerk of any such settlement and file a stipulation of dismissal no later than seven (7) days before the scheduled empanelment date.** Jury costs and/or counsel fees may be assessed against one or more of the parties and/or counsel if the Court determines that the lateness of settlement was due to unreasonable or vexatious conduct or neglect.

So Ordered.



William E. Smith
Chief U.S. District Judge
March 8th, 2019